IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

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JUDGMENT

Smt. Bhanwari Devi and another.
vs.
Kanhaiya Lal

S.B.CIVIL SECOND APPEAL NO.194/2004 UNDER SECTION 100 CPC AGAINST THE JUDGMENT AND DECREE DATED 16.3.2004 PASSED BY SHRI MURARI LAL SHARMA, ADDITIONAL DISTRICT JUDGE, DEEDWANA IN CIVIL APPEAL NO.111/1999.

DATE OF JUDGMENT ::: 27.2.2006

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. BL Choudhary for Mr. JR Beniwal, for the appellants.
Mr. Sunil Mehta, for the respondent.

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BY THE COURT:

Heard learned counsel for the parties.

Learned counsel for the appellants submits that the appellants do not want to press this appeal and some time may be granted to vacate the suit premises for which he prays that two years time may be granted because the

appellant no.1 is a widow and she will have to make some arrangement for shifting.

I have considered the submission of learned counsel for the appellants.

The suit of the plaintiff was decreed by the trial court on 30.5.1996 and the appellants' appeal against the same was dismissed on 16.3.2004. Almost two years are going to pass from the dismissal of the appeal by the appellate court, therefore, in the facts and circumstances of the case, the reasonable time which can be granted to the appellants is one year only.

In view of the above, the appeal of the appellant is dismissed as not pressed.

However, it is ordered that in case, the appellants furnish a written undertaking before the trial court within a period of two months that they shall hand over the vacant possession to the landlord by or before 28.2.2007 and shall not part with the possession or sublet the suit premises during this period and shall pay all the arrears of rent and decreetal amount, if due, within a period of two months from today before the trial court or directly to the landlord, the decree under challenge shall not be executed till 1.3.2007. The appellants shall also deposit the rent month by month by 15th day of each succeeding month of their

tenancy in the trial court.

In case of non-compliance of the order or default in payment of rent mentioned above, the decree shall become executable forthwith.

(PRAKASH TATIA), J.

S.Phophaliya